

4462; amended Pub. L. 103-73, title I, § 114(I), Aug. 11, 1993, 107 Stat. 731.)

#### AMENDMENTS

1993—Subsec. (b)(2). Pub. L. 103-73 in second sentence inserted “severe” before “disabilities who are members of” and substituted “under this subchapter” for “under this chapter” and in third sentence inserted “shall be determined by the center, and” before “shall not be based”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 796c, 796d-1, 796e-2, 796f, 796f-1, 796f-2 of this title.

#### § 796f-5. “Eligible agency” defined

As used in this subpart, the term “eligible agency” means a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency.

(Pub. L. 93-112, title VII, § 726, as added Pub. L. 102-569, title VII, § 701(2), Oct. 29, 1992, 106 Stat. 4464.)

#### § 796f-6. Authorization of appropriations

There are authorized to be appropriated to carry out this subpart such sums as may be necessary for each of the fiscal years 1993, 1994, 1995, 1996, and 1997.

(Pub. L. 93-112, title VII, § 727, as added Pub. L. 102-569, title VII, § 701(2), Oct. 29, 1992, 106 Stat. 4464.)

#### PRIOR PROVISIONS

Prior sections 796g to 796i were repealed by Pub. L. 102-569, title VII, § 701(1), Oct. 29, 1992, 106 Stat. 4443.

Section 796g, Pub. L. 93-112, title VII, § 731, as added Pub. L. 95-602, title III, § 301, Nov. 6, 1978, 92 Stat. 3000; amended Pub. L. 99-506, title I, § 103(h)(2), Oct. 21, 1986, 100 Stat. 1811; Pub. L. 100-630, title II, § 208(h), Nov. 7, 1988, 102 Stat. 3314, provided for grants to States to establish systems to protect and advocate for rights of individuals with severe handicaps.

Section 796h, Pub. L. 93-112, title VII, § 732, as added Pub. L. 95-602, title III, § 301, Nov. 6, 1978, 92 Stat. 3000; amended Pub. L. 99-506, title I, § 103(d)(2)(C), Oct. 21, 1986, 100 Stat. 1810, related to affirmative action on part of recipients of assistance to employ and advance in employment qualified individuals with handicaps.

Section 796i, Pub. L. 93-112, title VII, § 741, formerly § 731, as added Pub. L. 95-602, title III, § 301, Nov. 6, 1978, 92 Stat. 3001; renumbered § 741 and amended Pub. L. 98-221, title I, § 172(a)(1), (b), Feb. 22, 1984, 98 Stat. 32; Pub. L. 99-506, title VIII, § 806, Oct. 21, 1986, 100 Stat. 1840; Pub. L. 100-630, title II, § 208(i), Nov. 7, 1988, 102 Stat. 3315; Pub. L. 102-52, § 8, June 6, 1991, 105 Stat. 262, provided for appropriations for parts A to D of former subchapter VII of this chapter.

#### PART B—INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND

##### PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 718 of this title.

#### § 796j. “Older individual who is blind” defined

For purposes of this part, the term “older individual who is blind” means an individual age 55 or older whose severe visual impairment makes competitive employment extremely difficult to attain but for whom independent living goals are feasible.

(Pub. L. 93-112, title VII, § 751, as added Pub. L. 102-569, title VII, § 703(a), Oct. 29, 1992, 106 Stat. 4464.)

#### § 796k. Program of grants

##### (a) In general

###### (1) Authority for grants

Subject to subsections (b) and (c) of this section, the Commissioner may make grants to States for the purpose of providing the services described in subsection (d) of this section to older individuals who are blind.

###### (2) Designated State agency

The Commissioner may not make a grant under this subsection unless the State involved agrees that the grant will be administered solely by the agency described in section 721(a)(1)(A)(i) of this title.

##### (b) Contingent competitive grants

Beginning with fiscal year 1993, in the case of any fiscal year for which the amount appropriated under section 796l of this title is less than \$13,000,000, grants made under subsection (a) of this section shall be—

(1) discretionary grants made on a competitive basis to States; or

(2) grants made on a noncompetitive basis to pay for the continuation costs of activities for which a grant was awarded—

(A) under this part; or

(B) under part C of this subchapter, as in effect on the day before October 29, 1992.

##### (c) Contingent formula grants

###### (1) In general

In the case of any fiscal year for which the amount appropriated under section 796l of this title is equal to or greater than \$13,000,000, grants under subsection (a) of this section shall be made only to States and shall be made only from allotments under paragraph (2).

###### (2) Allotments

For grants under subsection (a) of this section for a fiscal year described in paragraph (1), the Commissioner shall make an allotment to each State in an amount determined in accordance with subsection (j) of this section, and shall make a grant to the State of the allotment made for the State if the State submits to the Commissioner an application in accordance with subsection (i) of this section.

##### (d) Services generally

The Commissioner may not make a grant under subsection (a) of this section unless the State involved agrees that the grant will be expended only for purposes of—

(1) providing independent living services to older individuals who are blind;

(2) conducting activities that will improve or expand services for such individuals; and

(3) conducting activities to help improve public understanding of the problems of such individuals.

##### (e) Independent living services

Independent living services for purposes of subsection (d)(1) of this section include—

(1) services to help correct blindness, such as—

(A) outreach services;

(B) visual screening;

(C) surgical or therapeutic treatment to prevent, correct, or modify disabling eye conditions; and

(D) hospitalization related to such services;

(2) the provision of eyeglasses and other visual aids;

(3) the provision of services and equipment to assist an older individual who is blind to become more mobile and more self-sufficient;

(4) mobility training, Braille instruction, and other services and equipment to help an older individual who is blind adjust to blindness;

(5) guide services, reader services, and transportation;

(6) any other appropriate service designed to assist an older individual who is blind in coping with daily living activities, including supportive services and rehabilitation teaching services;

(7) independent living skills training, information and referral services, peer counseling, and individual advocacy training; and

(8) other independent living services, as defined in section 706(30) of this title.

#### **(f) Matching funds**

##### **(1) In general**

The Commissioner may not make a grant under subsection (a) of this section unless the State involved agrees, with respect to the costs of the program to be carried out by the State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than \$1 for each \$9 of Federal funds provided in the grant.

##### **(2) Determination of amount contributed**

Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

#### **(g) Certain expenditures of grants**

A State may expend a grant under subsection (a) of this section to carry out the purposes specified in subsection (d) of this section through grants to public and nonprofit private agencies or organizations.

#### **(h) Requirement regarding State plan**

The Commissioner may not make a grant under subsection (a) of this section unless the State involved agrees that, in carrying out subsection (d)(1) of this section, the State will seek to incorporate into the State plan under section 796c of this title any new methods and approaches relating to independent living services for older individuals who are blind.

##### **(i) Application for grant**

##### **(1) In general**

The Commissioner may not make a grant under subsection (a) of this section unless an application for the grant is submitted to the

Commissioner and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Commissioner determines to be necessary to carry out this section (including agreements, assurances, and information with respect to any grants under subsection (j)(4) of this section).

#### **(2) Contents**

An application for a grant under this section shall contain—

(A) an assurance that the designated State unit described in subsection (a)(2) of this section will prepare and submit to the Commissioner a report, at the end of each fiscal year, with respect to each project or program the designated State unit operates or administers under this section, whether directly or through a grant or contract, which report shall contain, at a minimum, information on—

(i) the number and types of older individuals who are blind and are receiving services;

(ii) the types of services provided and the number of older individuals who are blind and are receiving each type of service;

(iii) the sources and amounts of funding for the operation of each project or program;

(iv) the amounts and percentages of resources committed to each type of service provided;

(v) data on actions taken to employ, and advance in employment, qualified individuals with severe disabilities, including older individuals who are blind; and

(vi) a comparison, if appropriate, of prior year activities with the activities of the most recent year;

(B) an assurance that the designated State unit will—

(i) provide services that contribute to the maintenance of, or the increased independence of, older individuals who are blind; and

(ii) engage in—

(I) capacity-building activities, including collaboration with other agencies and organizations;

(II) activities to promote community awareness, involvement, and assistance; and

(III) outreach efforts; and

(C) an assurance that the application is consistent with the State plan for providing independent living services required by section 796c of this title.

#### **(j) Amount of formula grant**

##### **(1) In general**

Subject to the availability of appropriations, the amount of an allotment under subsection (a) of this section for a State for a fiscal year shall be the greater of—

(A) the amount determined under paragraph (2); or

(B) the amount determined under paragraph (3).

**(2) Minimum allotment****(A) States**

In the case of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is the greater of—

- (i) \$225,000; or
- (ii) an amount equal to one-third of one percent of the amount appropriated under section 796l of this title for the fiscal year and available for allotments under subsection (a) of this section.

**(B) Certain territories**

In the case of Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau, the amount referred to in subparagraph (A) of paragraph (1) for a fiscal year is \$40,000, except that the Republic of Palau may receive such allotment under this section only until the Compact of Free Association with Palau takes effect.

**(3) Formula**

The amount referred to in subparagraph (B) of paragraph (1) for a State for a fiscal year is the product of—

- (A) the amount appropriated under section 796l of this title and available for allotments under subsection (a) of this section; and
- (B) a percentage equal to the quotient of—
  - (i) an amount equal to the number of individuals residing in the State who are not less than 55 years of age; divided by
  - (ii) an amount equal to the number of individuals residing in the United States who are not less than 55 years of age.

**(4) Disposition of certain amounts****(A) Grants**

From the amounts specified in subparagraph (B), the Commissioner may make grants to States whose population of older individuals who are blind has a substantial need for the services specified in subsection (d) of this section relative to the populations in other States of older individuals who are blind.

**(B) Amounts**

The amounts referred to in subparagraph (A) are any amounts that are not paid to States under subsection (a) of this section as a result of—

- (i) the failure of any State to submit an application under subsection (i) of this section;
- (ii) the failure of any State to prepare within a reasonable period of time such application in compliance with such subsection; or
- (iii) any State informing the Commissioner that the State does not intend to expend the full amount of the allotment made for the State under subsection (a) of this section.

**(C) Conditions**

The Commissioner may not make a grant under subparagraph (A) unless the State in-

volved agrees that the grant is subject to the same conditions as grants made under subsection (a) of this section.

(Pub. L. 93-112, title VII, §752, as added Pub. L. 102-569, title VII, §703(a), Oct. 29, 1992, 106 Stat. 4465; amended Pub. L. 103-73, title I, §114(m), Aug. 11, 1993, 107 Stat. 732.)

## REFERENCES IN TEXT

Part C of this subchapter, as in effect on the day before October 29, 1992, referred to in subsec. (b)(2)(B), means former part C (§796f) which was included in the repeal of subchapter VII of this chapter by Pub. L. 102-569, title VII, §701(l), Oct. 29, 1992, 106 Stat. 4443.

For Oct. 1, 1994, as the date the Compact of Free Association with Palau takes effect, referred to in subsec. (j)(2)(B), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

## AMENDMENTS

1993—Subsec. (a)(2). Pub. L. 103-73, §114(m)(1), substituted “agency” for “unit” in heading.

Subsec. (b). Pub. L. 103-73, §114(m)(2), amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: “Beginning with fiscal year 1994, in the case of any fiscal year for which the amount appropriated under section 796l of this title is less than \$13,000,000, grants under subsection (a) of this section shall be discretionary grants made on a competitive basis to States.”

Subsec. (j)(1)(A). Pub. L. 103-73, §114(m)(3)(A), substituted “or” for “and” at end.

Subsec. (j)(2)(A)(i). Pub. L. 103-73, §114(m)(3)(B), substituted “or” for “and” at end.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 718 of this title.

**§ 796l. Authorization of appropriations**

There are authorized to be appropriated to carry out this part such sums as may be necessary for each of the fiscal years 1993 through 1997.

(Pub. L. 93-112, title VII, §753, as added Pub. L. 102-569, title VII, §703(a), Oct. 29, 1992, 106 Stat. 4468.)

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 796k of this title.

**SUBCHAPTER VIII—SPECIAL DEMONSTRATIONS AND TRAINING PROJECTS**

## SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 706, 718b, 762, 771a, 777a of this title.

**§ 797. Authorization of appropriations****(a) Demonstration projects**

There are authorized to be appropriated to carry out section 797a of this title, such sums as may be necessary for each of the fiscal years 1993 through 1997.

**(b) Training initiatives**

There are authorized to be appropriated to carry out section 797b of this title, such sums as may be necessary for each of the fiscal years 1993 through 1997.

(Pub. L. 93-112, title VIII, §801, as added Pub. L. 102-569, title VIII, §801(a), Oct. 29, 1992, 106 Stat. 4469.)